



MAY 29 2001

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In re Application of
MIKAMI, Ikuko
U.S. Application No.: 09/763,882
PCT No.: PCT/JP00/04094
International Filing Date: 22 June 2000
Priority Date: 30 June 1999
Attorney's Docket No.: 001084
For: MOTHER'S MILK PAD

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182 To Correct Transmittal Letter To The United States Designated Office" filed on 16 May 2001. Deposit Account No. 01-2340 has been charged the required petition fee.

BACKGROUND

On 22 June 2000, applicant filed international application PCT/JP00/04094 which claimed a priority date of 30 June 1999 and which designated the United States. On 04 January 2001, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB").

A Demand was not filed with the International Preliminary Examining Authority electing the United States prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was twenty months from the priority date, i.e., 28 February 2001.

On 28 February 2001, applicant filed a transmittal letter under attorney docket number 001084 for entry into the national stage in the United States accompanied by, among other materials, a translation into English of PCT/JP00/04094 and payment of the basic national fee. However, the transmittal letter incorrectly identified the international application number as PCT/JP00/01963. The transmittal letter also lists the international filing date and the priority date for PCT/JP00/01963.

On 16 May 2001, applicant filed the petition considered herein. The petition seek to correct the errors in the transmittal letter filed on 28 February 2001 to make clear that the application is intended to be the national stage of international application PCT/JP00/04094.

DISCUSSION

In the present petition, applicant asserts that the documents filed on 28 February 2001 under attorney docket number 001084 and assigned application number 09/763,882 were intended to initiate the national stage in the United States for international application PCT/JP00/04094, as evidenced by, among other things, the references to inventor Ikuko Mikami and the title "BREAST PAD" in the transmittal letter and the inclusion with the transmittal letter of a specification, drawings, and claims corresponding to PCT/JP00/04094. The petition asserts that the references to PCT/JP00/01963 on the Form PTO-1390 transmittal letter were the result of an error which should be corrected to identify the proper international application, PCT/JP00/04094, the proper international filing date, 22 June 2000, and the proper priority date, 30 June 1999.

Based on a review of the documents filed on 28 February 2001 and the statements contained in the present petition, it is concluded that the papers filed under attorney docket number 001084 and assigned application number 09/763,882 represent the national stage filing for international application PCT/JP00/04094.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

Accordingly, the present application will be treated as the U.S. national stage of PCT/JP00/04094. The Form PTO-1390 transmittal letter filed on 28 February 2001 will be replaced with the corrected transmittal letter included with the present petition.

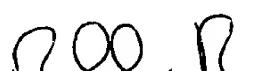
Pursuant to applicant's authorizations, Deposit Account No. 01-2340 has been charged the \$130 as the petition fee.

This application file has been forwarded to the national Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an executed declaration in compliance with 37 CFR 1.497.



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